

OFFER

(Must Be Fully Completed by Offeror)

The undersigned agrees, if this offer is accepted within 180 calendar days from the date of receipt of offers specified elsewhere in the solicitation, to furnish the services specified in the Statement of Work of the solicitation, or on any continuation sheets, at the prices set forth in Volume IV.

ACKNOWLEDGMENT OF AMENDMENTS

The Offeror acknowledges receipt of amendments to the solicitation for offers and related documents numbered and dated:

<u>Amendment Number(s)</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____

Name and Address of Offeror (Type or Print)

Person Authorized To Sign Offer (Type or Print)

Name: _____

Title: _____

Signature: _____

Offer Date: _____

Offeror Identification

Offerors shall provide the following information:

- 1 The complete formal name and address of your company which would be used in any resultant contract.
- 2 The name and address of the organizational unit(s) to be responsible for the work proposed.
- 3 Indicate by name and title the individual(s) in your organization who will be the point(s) of contact during the selection process, responsible for contract negotiations and the administration of any resultant contract.
- 4 Provide certification of the authority of the person signing the proposal to commit the organization to all of the provisions of the proposal.

Los Alamos

Los Alamos National Laboratory
Los Alamos, New Mexico 87545

UNIVERSITY OF CALIFORNIA LOS ALAMOS NATIONAL LABORATORY REPRESENTATIONS AND CERTIFICATIONS

There Representations and Certifications must be submitted with your offer. Failure to execute and submit these Representations and Certifications may be cause for the University to reject your offer.

All representations and certifications herein must be executed unless exempted by specific instructions relating to an individual representation or certification.

As used herein, ^offer~ also means ^quotation,~ ^order~ also means ^subcontract,~ and ^article~ also means ^clause.~

TYPE OF BUSINESS ORGANIZATION

The Offeror represents that it operates as ☐ a corporations incorporated under the laws of the State of _____, ☐ an individual, ☐ a partnership, ☐ a nonprofit organization, or ☐ a joint venture.

SMALL BUSINESS CONCERN REPRESENTATION

The Offeror represents and certifies as part of its offer that ☐ it is, ☐ is not a small business concern and that ☐ all, not all goods to be furnished will be manufactured or produced by a small business concern in the United States, its possessions, Puerto Rico, or the Trust Territory of the Pacific Islands. As used throughout, ^small business concern~ means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on government contracts and subcontracts, and qualified as a small business as defined in Section 3 of the Small Business Act (15 USC 632).

SMALL DISADVANTAGED BUSINESS CONCERN REPRESENTATION

(a) **Representation.** The Offeror represents that ☐ it is, ☐ is not a small disadvantaged business concern.

(b) **Definitions.**

^Asian-Indian American,~ as used in this provision, means a United States citizen whose origins are in India, Pakistan, or Bangladesh.

^Asian-Pacific American,~ as used in this provision, means a United States citizen whose origins are in Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the US Trust Territory of the Pacific Islands, the Northern Mariana Islands, Laos, Cambodia, or Taiwan.

^Native Americans,~ as used in this provision, means American Indians, Eskimos, Aleuts, and native Hawaiians.

^Small disadvantaged business concern,~ as used in this provision, means a small business concern that (1) is at least 51 percent owned by one or more persons who are both socially and economically disadvantaged or a publicly owned business having at least 51 percent of its stock owned by one or more socially and economically disadvantaged persons and (2) has its management and daily business controlled by one or more such persons.

c. **Qualified groups.** The Offeror shall presume that socially and economically disadvantaged persons include

Black Americans, Hispanic Americans, Native Americans, Asian–Pacific Americans, Asian–Indian Americans, and other persons found to be qualified by the SBA under 13 CFR 124.1.

WOMEN–OWNED SMALL BUSINESS REPRESENTATION

(a) **Representation.** The Offeror represents that ☐ it is, ☐ is not a women–owned small business concern.

(b) **Definition.**

^Women–owned,~ as used in this provision, means a small business that is at least 51 percent owned by a woman or women who are US citizens and who also control and operate the business.

PREVIOUS CONTRACTS AND COMPLIANCE REPORTS

The Offeror represents that

(a) It ☐ has, ☐ has not participated in a previous contract or subcontract subject either to the Equal Opportunity article of this solicitation, the clause originally contained in Section 310 of Executive Order No. 10925, or the clause contained in Section 201 of Executive Order No. 1114;

(b) It ☐ has developed and has on file, ☐ has not developed and does not have on file at each establishment affirmative action programs required by the rules and regulations of the Secretary of Labor (41 CFR 60–1 and 60–2) or that

(c) It ☐ has not previously had contracts or subcontracts subject to the requirement of written affirmative action programs of the rules and regulations of the Secretary of Labor.

BUY AMERICAN CERTIFICATE

The Offeror certifies that each end product, except those listed below, is a domestic end product (as defined in the Buy American Act), and that components of unknown origin are considered to have been mined, produced, or manufactured outside of the United States.

Excluded End Products

Country of Origin

(See FAR 25.108(d) for goods excepted from the Buy American Act.)

PREFERENCE FOR LABOR SURPLUS AREA CONCERNS

(a) This acquisition is not a set–aside for labor surplus area (LSA) concerns. However, the Offeror’s status as such a concern may affect (1) entitlement to award in case of tie offers or (2) offer evaluation in accordance with the Buy American Act article of the order. To determine whether the Offeror is entitled to a preference under (1) of (2) above, the Offeror must identify below the LSA in which the costs to be incurred on account of manufacturing or production (by the Offeror or the first–tier subcontractors) amount to more than 50 percent of the order price.

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(b) Failure to identify the locations as specified above will preclude consideration of the Offeror as an LSA concern. If the Offeror is awarded an order as an LSA concern and would not have otherwise qualified for award, the Offeror shall perform the order or cause the order to be performed in accordance with the obligations of an LSA concern.

PERSONAL CONFLICT OF INTEREST CERTIFICATION

An affirmative response in the following certification will require the University to evaluate your offer to determine whether a conflict of interest exists. A determination that a conflict of interest does exist may

necessitate rejection of your offer. The fact that an employee, former employee, or near relative of an employee owns, controls, or has a significant financial interest in your organization will not, in and of itself, necessarily be cause for rejection of an offer.

Definitions.

Employee: Any person currently having an employee relationship with any entity of the University of California, including the Los Alamos National Laboratory.

Former Employee: Any person who does not presently have, but within the previous two years did have, and employee relationship with any entity of the University of California, including the Los Alamos National Laboratory.

Near Relative: The employee's or the former employee's spouse, parents, siblings, children, and adoptive relatives, step relatives, and relatives in law in any of the above relationships.

Control: Having some right to direct or transfer property (even though there exists no actual title to the property, such as trusteeship, power of appointment, or contract) that could be the basis for influence upon the selection or decisions of an organization's management personnel.

Significant Financial Interest: Owning or controlling more than ten percent of the organization.

Certification:

To the best of my knowledge, an employee of the University of California, former employee of the University of California, or a near relative of an employee or former employee does ☐, ☐ does not own, control, or have significant financial interest in the Offeror's organization.

If an employee, former employee, or near relative thereof does own, control, or have a significant financial interest in the Offeror's organization, identify the employee or former employee and the University of California entity where that person is employed.

AUTHORIZED NEGOTIATORS

The Offeror represents that the following persons are authorized to negotiate on its behalf with the University concerning this solicitation: [List names, titles, and telephone numbers of the authorized negotiators.]

Name	Title	Telephone Number
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

FACILITIES CAPITAL COST OF MONEY

(Must be completed for offers priced on the basis of cost analysis if the Offeror is a commercial organization)

- (a) Facilities Capital Cost of Money will be an allowable cost under the contemplated order but only if the Offeror elects to claim it below. If the Offeror elects to claim this cost, the Waiver of Facilities Capital Cost of Money will be excluded from the order. If the Offeror does not elect to claim this cost, the order will include the Waiver of Facilities Capital Cost of Money.
- (b) By including an item of proposed allowable cost in response to this solicitation, the Offeror will be deemed to have elected to claim Facilities Capital Cost of Money.

CERTIFICATION OF NONSEGREGATED FACILITIES
(Must be completed for offers exceeding \$10,000)

- (a) "Segregated facilities," as used in this provision, means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation and housing facilities provided for employees that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin because of habit, local custom, or otherwise.
- (b) By the submission of this offer, the Offeror certifies that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The Offeror agrees that a breach of this certification is a violation of the Equal Opportunity article in the order.
- (c) The Offeror further agrees that (except where it has obtained identical certifications from proposed lower-tier subcontractors for specific time periods) it will
- (1) Obtain identical certifications from proposed lower-tier subcontractors before the award of lower-tier subcontracts under which the lower-tier subcontractor will be subject to the Equal Opportunity article;
 - (2) Retain the certifications in the files; and
 - (3) Forward the following notice to the proposed lower-tier subcontractors (except if the proposed subcontractors have submitted identical certifications for specific time periods):

***Notice to Prospective Subcontractors of Requirements
for Certifications of Nonsegregated Facilities***

A Certification of Nonsegregated Facilities must be submitted before the award of a subcontract under which the subcontractor will be subject to the Equal Opportunity article. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

NOTE:

statements in offers is prescribed in 18 USC 1001.

The penalty for making false

CONTINGENT FEE REPRESENTATION AND AGREEMENT
(Must be completed for offers exceeding \$25,000)

- (a) **Representation.** The Offeror represents that, except for full-time bona fide employees working solely for the Offeror, the Offeror
- (1) ☐ Has, ☐ has not employed or retained any person or company to solicit or obtain this order; and
 - (2) ☐ Has, ☐ has not paid or agreed to pay to any person or company employed or retained to solicit or obtain this order any commission, percentage fee, brokerage fee, or other fee contingent upon or resulting from the award of this order.
- (b) **Agreement.** The Offeror agrees to provide information relating to the above representation as requested by the University and, when subparagraph (a)(1) or (a)(2) is answered affirmatively, to promptly submit to the University
- (1) A completed Standard Form 119, Statement of Contingent or Other Fees. (SF 119); or
 - (2) A signed statement indicating that the SF 119 was previously submitted to the University,

including the date and applicable solicitation or order number, and representing that the prior SF 119 applies to this offer.

For interpretation of the representation, including the term "bona fide employee," see Subpart 3.4 of the Federal Acquisition Regulations.

CERTIFICATE OF INDEPENDENT PRICE DETERMINATION
(Must be completed for offers exceeding \$25,000)

(a) the Offeror certifies that

(1) The prices in this offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other Offeror or competitor relating to (i) those prices, (ii) the intention to submit an offer, or (iii) the methods or factors used to calculate the prices offered;

(2) The Offeror has not disclosed and will not knowingly disclose directly or indirectly the prices in this offer to any other Offeror or competitor before subcontract award unless otherwise required by law; and

(3) The Offeror has not attempted and will not attempt to induce any other concern to submit or not to submit an offer for the purpose of restricting competition.

(b) Each signature on the offer is considered to be a certification by the signatory that the signatory

(1) Is the person in the Offeror's organization responsible for determining the prices being offered in this proposal and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or

(2) (i) Has been authorized in writing to act as agent for the following principals in certifying that those principals have not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above [insert full name of person(s) in the Offeror's organization responsible for determining the prices offered in this proposal and the title of his or her position in the Offeror's organization];

(ii) As an authorized agent, does certify that the principals named in subparagraph (b)(2)(i) above have not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; and

(iii) As an agent, has not personally participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above.

(c) If the Offeror deleted or modifies subparagraph (a)(2) above, the Offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

CLEAN AIR AND WATER CERTIFICATION
(Must be completed for offers exceeding \$100,000)

The Offeror certifies that

(a) Any facility to be used in the performance of this proposed order ☐ is, ☐ is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities;

(b) Before award, the Offeror will immediately notify the University of the receipt of any communication from the Administrator, or a designee, of the EPA, indicating that any facility that the Offeror proposes to use for the performance of the order is under consideration to be listed on the

EPA List of Violating Facilities; and

(c) The Offeror will include a certification substantially the same as this certification, including this paragraph (c), in every nonexempt lower-tier subcontract.

ADDITIONAL REQUIREMENTS AND INFORMATION

(a) The University requires delivery not later than

(b) The Offeror's Dun and Bradstreet Number

(c) The principal location of performance on this order will be

(d) The proposed terms of payment are

(e) The FOB point upon which this offer is based is

(f) The estimated total shipping weight is

(g) The shipping point will be

Solicitation Number

Offeror's Name

Authorized to Sign for Offeror

Name and Title of Individual

Signature

ADDITIONAL REPRESENTATIONS AND CERTIFICATIONS

The following information is required to be submitted with proposals.

Large business? ☐ Yes ☐ No

If yes: ☐ Women-Owned
☐ Minority-Owned

Parent Company certification:

A ^parent company~ for the purpose of this certification is one that owns or controls the activities and basic business policies of the offeror. To own the offering company means that the parent company must own more than 50 percent of the voting rights in the company. A company may control an offeror as a parent even though the company does not meet the requirement for such ownership if the parent company is able to formulate, determine, or veto basic policy decisions of the offeror through the use of dominant voting rights, use of proxy voting, or otherwise.

The offeror ☐ is, ☐ is not owned or controlled by a parent company.

If the offeror certified above that it is owned or controlled by a parent company, the following information shall be provided

Parent company Name

Main Office Address (include zip code)

Parent Companys Employer Identification Number

If the offeror certified above that it is not owned or controlled by a parent company, provide the offerors Employer Identification Number .

Solicitation Number

Offerors Name

Name and Title of Individual
Authorized to Sign for Offeror

Signature

Name

SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS
SUBCONTRACTING CERTIFICATION

Offeror/Subcontract Name:

Subcontract No:

Modification No: Value:
\$

This certificate applies to all negotiated subcontracts and purchase orders exceeding \$500,000 and construction subcontracts exceeding \$1,000,000. As used herein the term "order" shall also mean "subcontract."

The Offeror certifies that the following conditions exist in determining whether the offeror is required to submit a plan for subcontracting with small business and small disadvantaged business concerns.

- ☐ A. The offeror is exempt from the requirements of a subcontracting plan for the following reason(s) (check all that apply):
- ☐ (i) The offeror is a small business as defined in accordance with Section 3 of the Small Business Act (15 U.S.C. 632).
- ☐ (ii) Subcontracting possibilities are not offered in this subcontract.
(Further explanation required including the specifics of the SOW.)
Explanation
- ☐ (iii) The subcontract, and all lower-tier subcontracts under it, will be performed entirely outside of the United States, its territories and possessions, the District of Columbia, and the Commonwealth of Puerto Rico and is, therefore, not covered.
- ☐ (iv) The subcontract is for personal services and is, therefore, not covered. (Further explanation required including the specific reasons this statement is true.)
Explanation
- ☐ B. The offeror is required to submit and obtain approval of a Small Business and Small Disadvantaged Business Subcontracting Plan before subcontract award.

The following condition applies only to modifications that exceed the thresholds and are attached to an existing subcontract.

- ☐ C. Because of Modification No. , the offeror must submit and obtain approval on a Small Business and Small Disadvantaged Business Subcontract Plan that relates specifically to this modification before it can be executed.
- ☐ (i) The goals established by the SB and SBD Subcontracting Plan for this

order will be extended to include this modification; or

- ☐ (ii) A separate subcontracting plan will be submitted for this modification.

Offeror acknowledges that it will include the Utilization of Small Business concerns and Small Disadvantaged Business concerns article in all subcontracts that offer subcontracting opportunities, and that the Offeror will require all subcontractors, except small business concerns, that receive subcontracts in excess of \$500,000 (\$1,000,000 for construction subcontracts) to adopt a plan similar to the plan required by the Small Business and Small Business Subcontracting Plan article of this order.

The Offeror understands that

- 1) No order will be awarded unless and until an acceptable subcontracting plan, if required, is negotiated with the University and the approved plan is incorporated as a material part of the order;
- 2) As determined by the University, an acceptable subcontracting plan must provide the maximum practicable opportunity for small business and small disadvantaged business concerns to participate in the performance of the order;
- 3) If an acceptable subcontracting plan is not negotiated with the University within the time limits prescribed, the Offeror shall be ineligible for an award. The University shall notify the Offeror in writing of the reasons for determining a subcontracting plan to be unacceptable and allow adequate time for the Offeror to modify its plan;
- 4) Commercial subcontracting plans on a companywide basis must have a current federal agency approval and are acceptable for commercial products only; and
- 5) Master subcontracting plans on a division- or plant-wide basis must contain individual subcontracting goals for the particular subcontract.

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Offeror's Signature

Date